

REMARKS/ARGUMENTS

The office action mailed July 17, 2003, has been carefully reviewed, and these remarks have been prepared in response to that office action. Reconsideration and allowance of this application are respectfully requested.

Claims 1, 3-7, 10-13, 16, 17, 18, and 20-27 remain in this application. Claims 2, 8, 9, 14, 15, and 19 have been canceled without prejudice or disclaimer.

Double Patenting

Claim 9 was objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2. Accordingly, claim 9 has been cancelled.

Claim Rejections – 35 USC §112

Claim 22 was rejected under 35 USC 112, second paragraph, because the structure of the enclosure was not clearly set forth in claim 22. Claim 22 has been amended to recite that "the first and second tube brackets are attached to at least one of: the outer lid segment and the base." This amendment to claim 22 is believed to overcome this rejection.

Claim Rejections – 35 USC §§102 & 103

Claims 1-4, 6, 9-12, 14-16, 25, and 26 were rejected under 35 USC 102(b) as being anticipated by Grange (U.S. Patent 1,995,059). Claim 17 was rejected under 35 USC 102(b) as being anticipated by Elizondo et al. (U.S. Patent 5,245,916). Claims 17, 18, 20, 21, 23, and 24 were rejected under 35 USC 102(e) as being anticipated by Huang (U.S. Patent 6,131,760). Claims 1-4, 6, and 7 were rejected under 35 USC 102(b) as being anticipated by Katz (U.S. Patent 3,229,846). Claims 1-4, 6, 9-12, 15, 16, 25, and 26 were rejected under 35 USC 102(b) as being anticipated by Robles (U.S. Patent 2,080,786).

Claim 22 was rejected under 35 USC 103(a) as being unpatentable over Huang (U.S. Patent 6,131,760). Claim 27 was rejected under 35 USC 103(a) as being unpatentable over Grange (U.S. Patent 1,995,059) in view of Shoup (U.S. Patent 3,917,923). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Robles (U.S. Patent 2,080,786) in view of

White (U.S. Patent 1,747,205). Claim 13 was rejected under 35 USC 103(a) as being unpatentable over Robles (U.S. Patent 2,080,786).

Claim 1

Grange, Katz, and Robles, either alone, or in combination with the other prior art of record fail to establish prima facie anticipation or obviousness of claim 1 because these references do not disclose, teach, or suggest "a weather-resistant enclosure ... wherein, as the enclosure is being opened, the bottom lid segment moves up into and nests within the at least one intermediate lid segment, which moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the bottom lid segment moves down out of the at least one intermediate lid segment, which moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet."

Claim 1 is directed to a weather-resistant enclosure for storing contents, the enclosure comprising: a base; an outer lid segment; at least one intermediate lid segment; and a bottom lid segment, wherein, as the enclosure is being opened, the bottom lid segment moves up into and nests within the at least one intermediate lid segment, which moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the bottom lid segment moves down out of the at least one intermediate lid segment, which moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet.

Grange discloses a typewriter cover including lid segments that telescope between open and closed positions. When the lid segments of the typewriter cover are in the closed position, at least some of the lid segments overlap in such a manner that the typewriter cover is not weather resistant. When the typewriter cover is closed, for at least some of the pairs of adjacent lid

segments, a lower portion of an upper lid segment of an adjacent pair of lid segments is tucked under--rather than overhangs--an upper portion of a lower lid segment of the adjacent pair of lid segments. Therefore, at least some of the lid segments of the typewriter cover would not prevent precipitation from entering the enclosure by arranging the lid segments such that "for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments," as is explicitly recited in claim 1.

Katz discloses a telescoping domed cover for the top of cylindrically shaped receptacles, such as garbage cans. The domed cover includes two halves that are each shaped as quarter-spheres. The quarter spheres are made up of leaves that telescope between open and closed positions. When the domed cover is open, the telescoping leaves are nested within one another near the circular opening of the receptacle. When the domed cover is closed the leaves are telescoped out such that the two halves of the domed cover meet each other in the middle above the receptacle opening thereby forming a dome over the receptacle. Accordingly, Katz does not disclose, teach, or suggest a weather-resistant enclosure "wherein, as the enclosure is being opened, the bottom lid segment moves up into and nests within the at least one intermediate lid segment, which moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the bottom lid segment moves down out of the at least one intermediate lid segment, which moves down out of the outer lid segment," as is explicitly recited in claim 1.

Robles, like Katz, discloses a dome-shaped receptacle cover that has five lid segments, having reference numbers 6, 7, 8, 9, and 10, which progress from an outermost lid segment 6 to an innermost lid segment 10. When the cover is in its open position, the inner lid segments nest within the outer lid segments. As the cover is opened, outer segments are removed from their closed position before inner segments such that, when the cover is closed, for at least some of the pairs of adjacent lid segments (e.g. lid segments 6 and 7), a lower portion of an upper lid segment of the adjacent pair of lid segments is tucked under, rather than overhangs, an upper portion of a lower lid segment of the adjacent pair of lid segments. Therefore, at least some of the lid segments of the domed receptacle cover would not prevent precipitation from entering the

enclosure by arranging the lid segments such that "for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments," as is explicitly recited in claim 1.

For at least the foregoing reasons, Grange, Katz, and Robles, either alone, or in combination with the other prior art of record fail to establish prima facie anticipation or obviousness of claim 1, which contains allowable subject matter and is in condition for allowance.

Claim 17

Elizondo and Huang, either alone, or in combination with the other prior art of record fail to establish prima facie anticipation or obviousness of claim 17 because these references do not disclose, teach, or suggest "a weather-resistant enclosure ... wherein, as the enclosure is being opened, the at least one intermediate lid segment moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed the at least one intermediate lid segment moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet."

Claim 17 is directed to a weather-resistant enclosure for storing contents, the enclosure comprising: a base; an outer lid segment; at least one intermediate lid segment, wherein, as the enclosure is being opened, the at least one intermediate lid segment moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the at least one intermediate lid segment moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet; and at least one support securing

said outer lid segment in a vertical position, wherein said support is located within a channel in the outer lid segment.

Elizondo discloses a cartridge-carrier for plastic containers in continuous or rotary orbital sterilizers. Huang discloses a storage box with upper and lower covers. Elizondo and Huang, either alone or in combination, do not disclose a storage enclosure with nested lid segments. Accordingly, Elizondo and Huang also do not disclose, teach, or suggest "a weather-resistant enclosure ... wherein, as the enclosure is being opened, the at least one intermediate lid segment moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the at least one intermediate lid segment moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair overhangs an upper portion of a lower lid segment of the adjacent pair, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet," as is explicitly recited in claim 17.

For at least the foregoing reasons, Elizondo and Huang, either alone, or in combination with the other prior art of record fail to establish prima facie anticipation or obviousness of claim 17, which contains allowable subject matter and is in condition for allowance.

Claim 25

Grange and Robles, either alone, or in combination with the other prior art of record fail to establish prima facie anticipation or obviousness of claim 25 for reasons similar to those discussed above in connection with claim 1.

Claim 25 is directed to a weather-resistant enclosure for storing contents, the enclosure comprising: a base; at least one axle; a bottom lid segment; an outer lid segment; and at least one intermediate lid segment, wherein each of the lid segments includes at least one axle bore through which the at least one axle is inserted such that a plurality of the lid segments rotate around the axle when the storage container is being opened from a closed position and when the storage container is being closed from an open position and wherein, as the enclosure is being opened, the bottom lid segment moves up into and nests within the at least one intermediate lid segment, which moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the bottom lid segment moves down out of the at least one

intermediate lid segment, which moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet.

The respective disclosures of Grange and Robles are discussed above in connection with claim 1. For at least the foregoing reasons, including the discussion of Grange and Robles above in connection with claim 1, Grange and Robles, either alone or in combination with the other prior art of record, fail to establish prima facie anticipation or obviousness of claim 25, which contains allowable subject matter and is in condition for allowance.

Dependent Claims

The remaining claims, claims 3-7, 10-13, 16, 18, 20-24, 26, and 27 properly depend upon one of independent claims 1, 17, and 25 and are, therefore, in condition for allowance for at least the reasons set forth above in connection with independent claims 1, 17, and 25.

CONCLUSION

The Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 for any fees that are required for this submission or for any overpayment that is made.

All rejections and objections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests prompt notification that this application has been allowed.

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Respectfully submitted,

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